UNITED
NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/SR.1777
28 September 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1777th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 July 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1777/Add.1.

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GE.99-43347 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Draft list of issues to be taken up in connection with the consideration of the fourth periodic report of Morocco (continued) (CCPR/C/67/Q/MOR/1/Rev.3)

1. The CHAIRPERSON recalled that it had been suggested that question 17 should be placed in the section of the list relating to discrimination against women (questions 8 to 11). She herself was opposed to that suggestion.

2. Ms. EVATT (Country Rapporteur) said the situation of women in Morocco was one of the most significant issues the Committee would have to deal with in relation to the report, and for that reason she would tend to agree that question 17 should not be included in that context. As she understood it, Mr. Amor had not been opposed in principle to the inclusion of a question on discrimination against homosexuals, but only to its inclusion in the context of discrimination against women. Although she would like to keep the question, she had no specific evidence to justify it, and could therefore agree to its deletion on the grounds that the questions on women had higher priority.

3. Mr. ZAKHIA pointed out that in Arab countries even heterosexual relations which were not legitimized by marriage were prohibited. Although he was not opposed to the question in principle, he would warn the Committee that it would have much less chance of being accepted if it was posed in terms of relations between homosexuals. It would be better to substitute a question on the right to privacy in relationships between adults generally, without referring to homosexuality. Such a question could be worded along the following lines: "Please indicate the measures taken, both in legislation and in practice, to preserve the right to privacy and to safeguard freedom of sexual relations between adults."

4. Mr. YALDEN supported that suggestion.

5. Ms. EVATT (Country Rapporteur) proposed the formulation "Please indicate how the law protects the right to privacy in sexual relationships."

6. Mr. AMOR said he would prefer the question to relate simply to the right to privacy, with no reference to sexual relationships.

7. Mr. ZAKHIA considered that it was important to include that reference, in the light of the fact that in many Arab countries a relationship between unmarried partners was considered an offence rendering the persons concerned liable to prosecution.

8. Mr. AMOR said that to his knowledge that was not a problem that ever arose in Morocco. He did not think the Committee would be justified in including it in the list of written questions on the report.

9. The CHAIRPERSON suggested that since the Committee had no information at all on the matter, the question should be deleted from the list. It could then be raised orally and, if necessary, incorporated in the concluding observations.

10. It was so agreed.

11. Mr. AMOR, referring to question 18, pointed out that there were in fact no restrictions on the freedom to change one's religion in Morocco. On the other hand, proselytizing was prohibited under articles 201 and 202 of the Penal Code. A sentence should therefore be added, reading "Is proselytizing permitted in Morocco?".

12. Mr. POCAR supported that proposal.

13. It was so agreed.

14. Ms. GAITAN DE POMBO, referring to the Spanish version of question 19, pointed out that the word "confiscar" should be used instead of "secuestrar" for the English word "seize".

15. Lord COLVILLE proposed that the words "which appear to authorize censorship" should be deleted.

16. It was so agreed.

17. Mr. SOLARI YRIGOYEN said he was not clear as to the meaning of the question "What prosecutions have been brought under article 179 of the Penal Code for criminal libel and with what results?" in paragraph 20.

18. Ms. EVATT (Country Rapporteur) suggested the formulation "How many prosecutions have been brought ...".

19. Ms. CHANET said that, in her view, there was nothing in the report to warrant a question on article 179 of the Penal Code in relation to article 19 of the Covenant. In fact, paragraph 3 of article 19 made provision for restrictions on the right to freedom of expression when necessary for respect of the reputations of others.

20. Ms. EVATT (Country Rapporteur) suggested that the first sentence could be deleted, and the second sentence reworded as a question on how article 179 of the Penal Code was applied in practice.

21. Ms. CHANET said that, in her view, question 20 should be deleted altogether. The punishment of criminal libel was not in itself incompatible with the Covenant.

22. The CHAIRPERSON suggested that, in the absence of specific information on the issue, question 20 should be deleted.

23. It was so agreed.

24. Ms. EVATT (Country Rapporteur) proposed that question 21 should be deleted.

25. Mr. AMOR considered that question 21 was important and should be retained.

26. Ms. CHANET agreed that the question should be retained since it was not clear from paragraph 166 of the report of Morocco whether prior notification, or prior authorization, was required for the holding of a public meeting.

27. It was so agreed.

28. Mr. AMOR, referring to question 22, said that while he could agree that child labour and child abuse were serious problems in Morocco, he was not sure whether child prostitution was also a problem. He wondered whether sufficient information was available to the Committee to justify a question on the matter.

29. Ms. GAITAN DE POMBO supported that view. She had visited Morocco on a number of occasions and had found no evidence to suggest the existence of child prostitution. It would be better to raise an oral question on the matter and to delete the words "child prostitution" from question 22.

30. Ms. EVATT (Country Rapporteur) said that information had in fact been received from NGOs suggesting that child prostitution did exist in impoverished areas of Morocco. She would be reluctant to delete those words.

31. Mr. YALDEN said that in a recent report of the Committee on the Rights of the Child, concern had been expressed at child prostitution in Morocco.

32. The CHAIRPERSON said she took it the Committee wished question 22 to be retained as it stood.

33. It was so agreed.

34. Mr. SOLARI YRIGOYEN, referring to the Spanish text of question 23, said the word "culturales" should be added after the word "peculiaridades".

35. Mr. POCAR said the words "Principle of non-discrimination and the" and the reference to article 26 of the Covenant should be deleted from the heading. He suggested that the first sentence should be reworded along the following lines: "What recognition is given to ethnic, religious or linguistic minorities, including the Berbers and Tuareg, to enable persons belonging thereto to exercise their rights?".

36. Mr. AMOR did not think any specific reference should be made to the Tuareg since as far as he was aware they did not constitute a problem in Morocco. Similarly, although the Berbers had their own language and traditions, they could not be described as an ethnic group, and a question relating specifically to them might be seen as being politically motivated. Despite arguments to the contrary, historians were agreed that it was the Berbers, and not the Arabs, who constituted the original population of the countries of the Maghreb: the Arabs had come to the area that was now

Algeria, Morocco and Tunisia from the Arabian Peninsula following the rise of Islam. He therefore considered that any reference in question 23 to ethnicity, and to the Tuareg in particular, should be avoided.

37. Lord COLVILLE said that he saw no harm in referring to the Tuareg; if Morocco had no problem with that ethnic group, the Committee would be reassured by a statement to that effect in the next periodic report. As to the Berbers, he definitely thought that they should be included in the question but would defer to Mr. Amor with regard to the manner in which the question was drafted.

38. Mr. BHAGWATI suggested that, in view of Mr. Amor's remarks, it might be best not to mention the Tuareg in the list of issues and to ask about them, if necessary, at the oral questions stage.

39. Mr. KLEIN proposed that question 23, including a reference to the Tuareg, should be maintained with the wording proposed by Mr. Pocar.

40. It was so agreed.

41. The list of issues (CCPR/O/67/O/MOR/1/Rev.3), as amended, was adopted.

The public part of the meeting rose at 3.50 p.m.